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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,391	09/27/2001	Clyde Wayne Koenig	52646-421USPT	2936

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P. Weston Musselman, Jr., Esq.  
Jenkins & Gilchrist, P.C.  
3200 Fountain Place  
1445 Ross Avenue  
Dallas, TX 75202-2799

EXAMINER

LE, UYEN CHAU N

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/965,391

Applicant(s)

KOENIG ET AL.

Examiner

Uyen-Chau N. Le

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6-8, 17-19 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Turner (US 5,099,403).

Re claims 1-3, 6-8, 17-19 and 22: Turner discloses an apparatus for display in a fuel dispenser (fig. 6) comprising a printed circuit board 32; a liquid crystal display (LCD) 36; a backlight assembly 38 including a LED light source 42 and a reflector 40 (fig. 3; col. 3, lines 1-13).

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4, 6-8, 10-12, 14-15, 17-18, 20 and 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Gromatzky et al (US 6,493,440).

Re claims 1-2, 4, 6-8, 10-12, 14-15, 17-18, 20 and 22-23: Gromatzky et al discloses an apparatus for display in a fuel dispenser (fig. 4) comprising a CPU board 40, which serves as a printed circuit board; a liquid crystal display (LCD) 10; a backlight assembly 20 including a fluorescent light source 22 and a reflector (col. 7, lines 43+); a circuitry for outputting signals to

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the display 10 (col. 6, lines 33+). See figs. 3 and 4; col. 3, lines 21+; col. 5, line 26 through col. 6, line 55).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 5, 13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gromatzky et al in view of Sasnett Jr. et al (US 5,867,403). The teachings of Gromatzky et al have been discussed above.

Re claims 5, 13 and 21: Gromatzky et al has been discussed above but fails to teach or fairly suggest that the light source including a cold cathode fluorescent lamp.

Sasnett Jr. et al teaches an integral cold cathode backlight tube is used to illuminate a LCD display 30 (col. 4, lines 10+).

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It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Sasnett Jr. et al into the teachings of Gromatzky et al in order to provide Gromatzky et al with a brighter light source for displaying the information to the user, thus providing the user a capability in seeing the displayed data in a clearer way, and therefore, providing a more user-friendly system.

7. Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gromatzky et al in view of Mueller et al (EP 481,327 A1). The teachings of Gromatzky et al have been discussed above.

Re claims 9 and 16: Gromatzky et al has been discussed above and further discloses a specific distance between the display module 26 and the backlight/light source 22 for properly diffuse (col. 4, lines 37+), but fails to teach or fairly suggest that the assembly includes a diffuser for diffusing light that is emitted from the light source en route to the display.

Mueller et al teaches a diffusion plate 9 is arranged between the light source 6 and the display [2, 3, 4] (see English abstract).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Mueller et al into the teachings of Gromatzky et al in order to provide Gromatzky et al with a better controlling of the intensity of the display for the displaying the information to the user, thus providing the user a capability in seeing the displayed data in a clearer way, preventing the user's eyes from being hurt/damaged by the brightness of the light illuminated from the light source when reading the displayed data from the display, and therefore, providing a more user-friendly system.

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***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patents to Turner (US 5,134,548); Day Jr. et al (US 5,083,846); Myers (US 5,969,691); Todd et al (US 3,751,642); Swick Jr. (US 4,576,312); Seitz (US 6,456,052); and Seitz et al (WO 00/49332) are cited as of interest and illustrate a similar structure to a method and apparatus for display in a fuel dispenser.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 703-306-5588. The examiner can normally be reached on SUN, M, W, F 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL G LEE can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

*Uyen -Chau Ngo Le*

April 20, 2003



**KARL D. FRECH  
PRIMARY EXAMINER**